

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

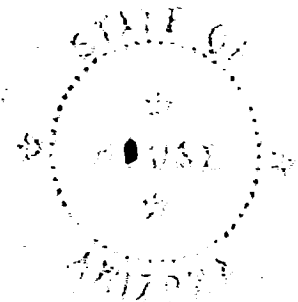
CHAPTER 121

HOUSE BILL 2040

AN ACT

AMENDING SECTIONS 11-475, 11-480 AND 36-2915, ARIZONA REVISED STATUTES;
RELATING TO COUNTY RECORDING.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-475, Arizona Revised Statutes, is amended to
3 read:

4 11-475. Fees; exemption

5 A. The county recorder shall receive the following fees:

6 1. Recording papers required or authorized by law to be recorded, if
7 the fee is not otherwise specified in this section, five dollars for the
8 first five pages plus one dollar for each additional page. In no case shall
9 the charge for additional pages exceed two hundred fifty dollars.

10 ~~2. Recording an instrument of satisfaction in a transaction described~~
11 ~~in section 47-10101 or a release of collateral under section 47-9512 or a~~
12 ~~termination statement under section 47-9513, three dollars.~~

13 ~~3.~~ 2. Recording papers to which the United States, the state or a
14 political subdivision thereof, including cities, towns and irrigation,
15 drainage and electrical districts, is a party, when recorded at the request
16 of the United States, the state or such political subdivision, three dollars
17 for the first five pages, plus fifty cents for each additional page, such fee
18 to apply only if the fee is to be paid from public monies. Those fees due
19 the county recorder from the state for recording papers may be paid on a
20 monthly basis.

21 ~~4.~~ 3. Preparing and certifying copies of a record in his THE
22 RECORDER'S office, one dollar for each page or partial page. In addition for
23 attaching the recorder's certificate and seal, three dollars.

24 ~~5.~~ 4. Issuing a certificate pursuant to section 47-9523, ten dollars
25 for each name, plus one dollar for each financing statement or statement of
26 assignment reported therein.

27 B. The standard fee shall be charged for the first indexing category
28 indicated by the caption of any instrument. Three dollars shall be charged
29 for each additional indexing category on the same instrument.

30 C. The standard fee shall be charged for the first assignment, partial
31 assignment, release, partial release or other modification of any instrument.
32 Three dollars shall be charged for each additional transaction on the same
33 instrument.

34 D. Notwithstanding the provisions of subsection A, paragraph ~~4~~ 3 of
35 this section, the recorder shall prepare and furnish copies and
36 certifications at one-half of the established fee when requested by any state
37 agency for official purposes.

38 E. One dollar shall be charged for each instrument if the recorder is
39 required to deliver such instruments by mail, ~~unless a postage prepaid,~~
40 ~~self-addressed envelope is provided.~~ The fee collected pursuant to this
41 subsection shall be deposited into the county general fund.

42 F. The county recorder shall not receive a fee for performing the
43 duties prescribed by this section for an office, agency or department of the
44 county where the document is to be recorded. This exemption shall apply only
45 when such fees would otherwise be paid from public monies.

1 Sec. 2. Section 11-480, Arizona Revised Statutes, is amended to read:
2 11-480. Requirements for form of instruments

3 A. Only an instrument which upon presentation to a county recorder for
4 recording fails to meet any of the following conditions may be rejected for
5 recording at the time of presentation for recording:

6 1. Each instrument shall have a caption briefly stating the nature of
7 the instrument, such as warranty deed, release of mortgage, notice of bulk
8 sale and like captions. The county recorder shall have no obligation to
9 index any instrument under any subject index category maintained by the
10 county recorder unless that category is included in the caption to the
11 instrument.

12 2. Each instrument shall be an original or a copy of the original and
13 shall be sufficiently legible for the recorder to make certified copies from
14 the photographic or micrographic record.

15 3. Each instrument shall have original signatures ~~or carbon copies of~~
16 ~~such signatures~~, except when otherwise provided by law.

17 4. Each instrument dated and executed on or after January 1, 1991,
18 shall be no larger than eight and one-half inches in width and no longer than
19 fourteen inches and shall have a print size no smaller than ten point type.

20 B. Each instrument dated and executed on or after January 1, 1991,
21 shall have at least a one-half inch margin across the top, bottom and the
22 left and right sides from the top to the bottom. Any markings, entries or
23 text which are within the one-half inch margin shall be deemed not to impart
24 the notice otherwise imparted by recording unless such markings, entries
25 or text appear in the reproduction produced under the direction and control
26 of the county recorder. Failure to meet the one-half inch margin requirement
27 of this subsection may affect notice imparted by the document but shall not
28 constitute grounds for rejection for recording pursuant to subsection A.

29 C. The first page shall have a top margin of at least two inches which
30 shall be reserved for recording information. The left three and one-half
31 inches of the top margin of the first page or sheet may be used by the public
32 to show the name of the person requesting recording and the name and address
33 to which the document is to be returned following recording. If the first
34 page of the instrument does not comply with the top margin requirements, a
35 separate sheet that meets the requirement REQUIREMENTS and that reflects the
36 title of the document as required by subsection A, paragraph 1 shall be
37 attached to the front of the document by the party requesting recording.

38 D. Any instrument presented to a county recorder for recording which
39 modifies in any way the provisions of a previously recorded document must
40 state the date of recording and the docket and page of the document being
41 modified.

42 E. Any instrument accepted for recording is not subject to a later
43 claim of invalidity for failure to comply with the requirements of this
44 section.

1 Sec. 3. Section 36-2915, Arizona Revised Statutes, is amended to read:
2 36-2915. Lien of administration on damages recovered by injured
3 person; perfection, recording, assignment and notice
4 of lien

5 A. The administration is entitled to a lien for the charges for
6 hospital or medical care and treatment of an injured person for which the
7 administration or a contractor is responsible, on any and all claims of
8 liability or indemnity for damages accruing to the person to whom hospital
9 or medical service is rendered, or to the legal representative of such
10 person, on account of injuries giving rise to such claims and which
11 necessitated such hospital or medical care and treatment.

12 B. In order to perfect a lien granted by this section, the director
13 or the director's authorized representative, before or within sixty days from
14 the date of notification to the administration of the hospital discharge or
15 rendering of medical care and treatment, shall record in the office of the
16 recorder of the county in which the injuries were incurred a verified
17 statement in writing setting forth the name and address of the patient as
18 they appear on the records of the administration, the name and address of the
19 administration, the dates of admission to and discharge of the patient from
20 the hospital or the dates on which medical care and treatment were provided
21 to the patient, the amount estimated to be due for hospital or medical care
22 and treatment, and, to the best of the director's knowledge, the names and
23 addresses of all persons, firms or corporations and their insurance carriers
24 alleged by the injured person or that person's legal representative to be
25 liable for damages arising from the injuries for which he was hospitalized
26 or for which medical care and treatment were provided. However, the director
27 or the director's authorized representative is not required to include the
28 address of the patient in the verified statement if the administration's
29 records indicate that the patient's injuries may have resulted from an
30 offense against the patient as defined in section 13-105. The director or
31 the director's authorized representative, within five days after recording
32 the lien, shall mail a copy of the lien, postage prepaid, to the patient and
33 to each person, firm or corporation, including insurance carriers, alleged
34 to be liable for liability or indemnity damages, at the address given in the
35 statement. The recording of the lien is notice of the lien to all persons,
36 firms or corporations, including insurance carriers, liable for liability or
37 indemnity damages, whether or not they are named in the lien.

38 C. The recorder shall endorse on a lien recorded as provided by this
39 section the date and hour of receipt and such facts as are necessary to
40 indicate that it has been recorded.

41 D. The lien may be assigned in whole or in part to a contractor that
42 is responsible for hospital or medical services.

43 E. The director shall establish by rule procedures for a contractor
44 and a noncontracting provider to notify the administration concerning the

1 delivery of hospital or medical services to a person who may have claims for
2 damages.

3 F. Notwithstanding any other law, a lien or claim provided for by this
4 article has priority over a lien of the department pursuant to section
5 36-596.01, a lien of the counties pursuant to section 11-291, a health care
6 provider lien pursuant to title 33, chapter 7, article 3 and a claim against
7 a third party payor. A lien of the department of economic security pursuant
8 to section 36-596.01 and a lien of the counties pursuant to section 11-291
9 has priority over a health care provider lien pursuant to title 33, chapter
10 7, article 3 and a claim against a third party payor.

11 G. A lien authorized pursuant to this chapter may be amended to
12 reflect current charges. However, if the administration is given notice of
13 an impending settlement of the member's claim at least fifteen working days
14 before the final settlement of that claim, the lien may not be amended after
15 the time of final settlement.

16 H. A public entity shall compromise a claim it has pursuant to this
17 section or section 11-291, 12-962, 36-596, 36-596.01, 36-2903, 36-2935 or
18 36-2956 if, after considering the factors listed in subsection I of this
19 section, the compromise provides a settlement of the claim that is fair and
20 equitable.

21 I. In determining the extent of the compromise of the claim required
22 by subsection H of this section, the public entity shall consider the
23 following factors:

24 1. The nature and extent of the patient's injury or illness.

25 2. The sufficiency of insurance or other sources of indemnity
26 available to the patient.

27 3. Any other factor relevant for a fair and equitable settlement under
28 the circumstances of a particular case.

29 J. Notwithstanding any other law, for the purpose of recovering monies
30 from third party payors as provided by this section, a lien that includes a
31 cover sheet pursuant to subsection K of this section and that is filed by an
32 entity under contract with the administration, a health plan or a program
33 contractor, or the authorized representatives of these entities, is
34 considered filed by the state for the purposes of payment of county recorder
35 fees pursuant to section 11-475, subsection A, paragraph -3- 2.

36 K. A health plan, a program contractor, an entity under contract with
37 the administration or an authorized representative of the health plan,
38 program contractor or entity shall include a cover sheet, as prescribed by
39 the administration, when filing a lien on behalf of the administration
40 pursuant to this section. The cover sheet shall be signed by the director
41 on the administration's letterhead with the statutory authority of the health
42 plan, program contractor, entity or authorized representative of the health
43 plan, program contractor or entity to file a lien on behalf of the
44 administration.


APPROVED BY THE GOVERNOR - 4 - MAY 1, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2002.

Passed the House April 3, 2002,

by the following vote: 52 Ayes,

5 Nays, 3 Not Voting



Speaker of the House



Chief Clerk of the House

Passed the Senate April 25, 2002

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting


President of the Senate

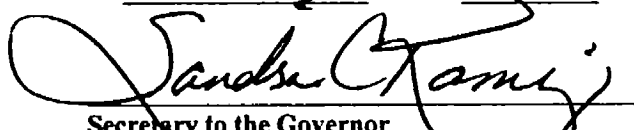

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 2002

at 3:23 o'clock P M.


Secretary to the Governor

Approved this 1 day of

May, 2002,

at 2:57 o'clock P M.

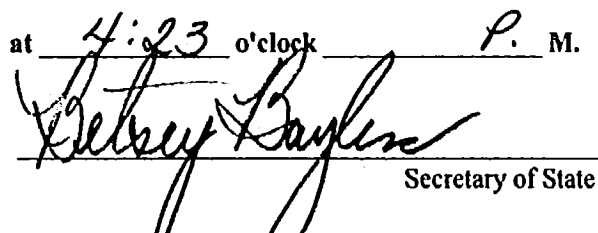

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2nd day of May, 2002

at 4:23 o'clock P M.


Secretary of State

H.B. 2040